

State of Colorado



Bill Owens
Governor

Richard Djokic
Director

DPA

Department of Personnel
& Administration

State Personnel Board
The Chancery
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AGENDA PUBLIC BOARD MEETING July 20, 2004

A public meeting of the State Personnel Board will be held on Tuesday, July 20, 2004, at the Colorado Department of Natural Resources, 1313 Sherman Street, Room 318, Denver, Colorado 80203. The public meeting will commence at 9:00 a.m.

Reasonable accommodation will be provided **upon request** for persons with disabilities. If you are a person with a disability who requires an accommodation to participate in this meeting, please notify Board staff at 303-764-1472 by July 15, 2004.

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ANNUAL ELECTION OF BOARD CHAIR AND VICE-CHAIR FOR FISCAL YEAR 2004 – 2005

I. REQUESTS FOR RESIDENCY WAIVERS

A. July 1, 2004 Report on Residency Waivers

Reports are informational only; no action is required.

II. PENDING MATTERS

There are no pending matters before the State Personnel Board this month.

III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR ON APPEAL TO THE STATE PERSONNEL BOARD

There are no Initial Decisions or other final Orders of the Administrative Law Judges or the Director on appeal to the State Personnel Board this month.

IV. REVIEW OF PRELIMINARY RECOMMENDATIONS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR TO GRANT OR DENY PETITIONS FOR HEARING

A. Robert Gallardo v. Department of Corrections, Division of Adult Parole and Community Corrections, State Personnel Board case number 2004G046.

Complainant petitions the Board to grant a discretionary, evidentiary hearing to review Respondent's response to Complainant's grievance. On June 10, 2004, a Preliminary Recommendation of the Administrative Law Judge was issued, recommending that a

hearing be denied.

- B. Rita Kelly v. Department of Human Services, State Personnel Board case number 2004G061.

Complainant petitions the Board to grant a discretionary, evidentiary hearing to review Respondent's response to Complainant's grievance. On June 15, 2004, a Preliminary Recommendation of the Administrative Law Judge was issued, recommending that a hearing be denied.

- C. Judith Schweitzer v. Department of Public Safety, Colorado State Patrol, State Personnel Board case number 2003G057.

Complainant petitions the Board to grant a discretionary, evidentiary hearing to review Respondent's non-selection of Complainant for the position of Police Communication Intern. On June 23, 2004, a Preliminary Recommendation of the Board's Director was issued, recommending that a hearing be denied.

V. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR

- A. Larry Barron v. Department of Labor and Employment, Office of Field Operations, State Personnel Board case number 2004B088.

On June 10, 2004, the Initial Decision of the Administrative Law Judge was issued. The ALJ found that Respondent's termination of Complainant's employment was arbitrary, capricious or contrary to rule or law and Complainant is entitled to attorney fees and costs. The ALJ ordered that the termination is rescinded; Respondent is to reinstate Complainant to his former position as a Labor and Employment Specialist I with back pay and benefits to the date of termination.

- B. Victor Nevins v. Department of Human Services, Division of Youth Corrections, State Personnel Board case number 2003B100.

On June 14, 2004, the Initial Decision of the Administrative Law Judge was issued. The ALJ found that Respondent's disciplinary pay reduction and termination of Complainant's employment were not arbitrary, capricious or contrary to rule or law. The ALJ ordered that Respondent's actions are affirmed and Complainant's appeals are dismissed with prejudice.

- C. James Masse v. Department of Corrections, State Personnel Board case number 2003B077.

On June 16, 2004, an Amended Initial Decision of the Administrative Law Judge was issued. The Board, at its regularly schedule meeting held on June 15, 2004, reviewed the Initial Decision issued by the Administrative Law Judge in this matter on May 10, 2004. While no formal action was required nor taken relative to the Initial Decision by the Board, certain scrivener's errors were noted in the Findings of Fact in the Initial Decision.

- D. Mary Scott Filson v. Colorado State University, Human Resources Services, State Personnel Board case number 2004B075.

On July 8, 2004, the Initial Decision of the Administrative Law Judge was issued. The ALJ found that Respondent's termination of Complainant's employment was not arbitrary, capricious or contrary to rule or law. The ALJ ordered that Respondent's action is affirmed and Complainant's appeal is dismissed with prejudice.

VI. REVIEW OF THE MINUTES FROM THE JUNE 15, 2004 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS JUNE 15, 2004 PUBLIC MEETING:

- A. Harlen Ainscough v. Department of Public Health and Environment, Hazardous Materials & Waste Management Division, State Personnel Board case number 2003G114.

The Board affirmed the Order of the State Personnel Board Denying Petition for Hearing and denied Complainant's Motion for Reconsideration.

- B. Carol Roberson v. Regents of the University of Colorado, University of Colorado Health Science Center, State Personnel Board case number 2002G145.

The Board voted to adopt the Preliminary Recommendation of the Board Director and deny the petition for hearing.

VIII. REPORT OF THE STATE PERSONNEL DIRECTOR

IX. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

- Budget Report and Revenue and Expense Report
- Cases Scheduled for Preliminary Review
- Cases on Appeal to the Board and to Appellate Courts
- Web Site Statistics (May 2004)
- Mandate/Order Affirmed in Brown v. Department of Corrections, Colorado Territorial Correctional Facility, State Personnel Board case number 2002B043, Court of Appeals No. 03CA244
- Mandate/Order Affirmed in Rura v. Board of Governors of the Colorado State University System, Department of Higher Education State Board of Agriculture, Colorado State University, State Personnel Board case number 2001G117, Court of Appeals No. 02CA1957

- B. GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS, PERSONNEL ADMINISTRATORS, AND THE PUBLIC

X. EXECUTIVE SESSION

- A. Case Status Report

NEXT REGULARLY SCHEDULED BOARD MEETINGS - 9:00 a.m.

August 17, 2004	Colorado Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246
September 21, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
October 19, 2004	Colorado Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246
November 16, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
December 21, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
January 18, 2005	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
February 15, 2005	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
March 15, 2005	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
April 19, 2005	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
May 17, 2005	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
June 21, 2005	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222